

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Case No.: 3:19-cv-00104-RCJ-WGC

Order

Re: ECF No. 30

RUBEN GUZMAN,

Plaintiff

v.

BRIAN WARD, et. al.,

Defendants

Defendants' unopposed motion for summary judgment (ECF No. 30) is currently pending before the court. One of Plaintiff's claims is that his Eighth Amendment rights were violated because there was a delay of cataract surgery in his left eye, and then denial of cataract surgery in his right eye. The evidence submitted by Defendants reflects that Plaintiff had cataract surgery on his left eye in October of 2018, and was initially authorized for cataract surgery on the right eye in April of 2019, but this was delayed while Plaintiff was undergoing treatment for thyroid issues. After his endocrinologist said he could proceed with cataract surgery in December of 2019, it was promptly approved; however, according to Dr. Naughton's declaration, the surgery was again postponed due to COVID-10 because it was not life-threatening procedure. Defendants' motion for summary judgment was filed on October 1, 2020. By that time, "non-essential" or "non-life threatening" surgical procedures had been permitted for months in Nevada. In fact, another NDOC inmate who has a case before this court received cataract surgery in June of 2020. *See Miller v. Aranas*, Case No. 3:17-cv-00068-MMD-WGC, ECF No. 76 at 3, n. 2.

1 Defendants shall file a supplement to their motion for summary judgment on or before
2 **April 29, 2021**, advising the court of the status of the cataract surgery on Plaintiff's right eye. If
3 the surgery has not yet been performed, the supplement should be accompanied by a declaration
4 from Dr. Naughton, or another medical professional within NDOC with knowledge of the
5 relevant facts, discussing why the surgery has not yet been performed.

6 **IT IS SO ORDERED.**

7 Dated: April 22, 2021

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9 William G. Cobb
10 United States Magistrate Judge
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